

## MINUTES

### OKLAHOMA STATE BOARD OF PHARMACY

3812 N Santa Fe, Suite 300  
Oklahoma City, OK 73118

**November 16, 2022**

#### **Call to order:**

President Willeford called the November 16, 2022 meeting of the Oklahoma State Board of Pharmacy (OSBP) to order at 8:30 am with a roll call vote. 5 of 6 Board members were present.

#### **Those present were:**

Board Members: Jason Willeford, President  
Kyle Whitehead, Vice-President  
Randy Curry, Member  
Shonda Lassiter, Member  
Justin Wilson, Member

\*\*Member Mark St. Cyr was unable to attend this meeting\*\*

Board of Pharmacy: Marty Hendrick, Executive Director  
Gary LaRue, Deputy Director  
Melissa Jones, Senior Compliance Officer  
Keevie Ridener, Compliance Officer  
Marjan Fardadfar, Compliance Officer  
Kim Hibbard, Compliance Officer  
Darrell Switzer, Compliance Officer  
Rhonda Jenkins, Executive Secretary  
Kristen Johnson, Programs Director  
John Settle, Assistant Attorney General

Guests Nancy Williams, SWOSU College of Pharmacy  
Sarah Yount, SWOSU College of Pharmacy  
Vince Dennis, OU College of Pharmacy  
Jay Kinnard, 1893 Pharmacy  
Renee Flood, CVS  
Jodi Dozier, CVS  
Ryan Walker, Walgreens  
Becca Segrest, Cardinal Nuclear  
Shanna Simmons, OK Health Care Authority  
Oliver Lackey, Evans Pharmacy  
Robyn Krichena, Intern  
Beth Halton, Guest  
Loretta Boessing, Guest

#### **Approval of minutes and claims:**

A motion was made by Dr. Kyle Whitehead and seconded by Dr. Justin Wilson to approve the September 14, 2022 minutes. Motion passed on roll call vote.

A motion was made by Dr. Justin Wilson and seconded by Dr. Kyle Whitehead to approve expense claims #7537-#7591, #H0473994-#H0473999, #H0475361-#H0475366, and the September and October payroll and any expense claims of the Executive Director. Motion passed on roll call vote.

A motion was made by Dr. Kyle Whitehead and seconded by Dr. Randy Curry to approve the September and October leave reports of the Executive Director. Motion passed on roll call vote.

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**Cancellation of Pharmacist, Pharmacies, Facilities, and Technicians:**

After a review of the cancellation list previously viewed, a motion was made by Dr. Justin Wilson and seconded by Dr. Randy Curry to approve the cancellation list of those that did not renew within the renewal time-period. Motion passed on roll call vote.

**Board reviews approved Continuing Education (CE) programs:**

The Board reviewed the 3rd quarter list of CE programs that had been submitted and approved by the CE Committee on September 19, 2022.

A motion was made by Dr. Justin Wilson and seconded by Dr. Kyle Whitehead to accept the approved list of CE programs that had been submitted. Motion passed on roll call vote.

**Board sets future Board meeting(s):**

The Board re-scheduled the January 18, 2022 “regular” meeting to Wednesday February 1, 2023. More 2023 Board dates will be scheduled at the February 1<sup>st</sup> “regular” meeting.

**Board discusses APhA Nuclear Pharmacy Practice SIG:**

The Board reviewed a letter from APhA asking for adoption of new nuclear rules. Executive Director Hendrick stated that new nuclear rules would be presented later in the meeting.

**P-4 Students:**

The Board welcomed the students from both the University of Oklahoma and Southwestern Oklahoma State University Colleges of Pharmacy attending the Board meeting. All students will attend a Board meeting during their final year of college.

**Executive Director gives Agency report:**

**Building Information:**

Director Hendrick reported that the Board office will be moving back to the old location beginning November 30<sup>th</sup>. He stated that the offices would be closed for 3 days so that staff would have time to get their offices back in order. He noted that everything has gone well, and that Lingo would have a more detailed report later during the meeting.

**Task Force Committees:**

Director Hendrick reported that the Temperature Task Force and the Technician Immunization Committee have both completed their task with rules that will be reviewed later in the meeting. Dr. Kyle Whitehead, Chairman of the Temperature Task Force spoke on some of the rule process the committee went through to come up with rules that would protect the citizens of Oklahoma.

Deputy Director, Gary LaRue, Chairman of the Technician Immunization Committee, also spoke on some of the rule process and that the Board would hear some of the rules that the committee had written later in the meeting.

**Physician Assistants and C2 Prescriptions:**

The Director reported that we are still waiting for the Medical Board to approve a formulary for Physician Assistants to be able to prescribe and that at this time, we are following the Medical Board’s lead.

**DME:**

Director Hendrick reported that as of November 1<sup>st</sup>, staff began processing DME applications. He stated that we are still working on the inspection forms and that we are working with the Health Care Authority for licensing and payment. He noted that once inspections begin, there will be some training required for the Compliance Officers.

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**Travel:**

Director Hendrick reported on the Prescription Drug Abuse Summit that he and other staff attended in Arkansas.

Dr. Justin Wilson reported on the NCPA meeting that he attended in Kansas City, MO and Dr. Randy Curry reported on the MALTAGON meeting that he and other Board staff attended in New Orleans, LA. All reporting that their attended meetings were well attended and very informative.

**Representatives from Lingo appear before the Board:**

The Board was called to order to hear a final presentation from Lingo. Director Hendrick introduced JP Craig, Integration Director and Brett Moore, Project Manager. At this time, Director Hendrick turned the presentation over to JP Craig for a detailed project update. Mr. Craig went over the last of the repairs and stated that it will be ready for move in in a couple of weeks. Mr. Craig answered any questions the Board had. After the presentation, President Willeford thanked Lingo for their dedication and hard work to keep the project on the projected timeline.

**Kevin Rich of Oklahoma Pharmacists Helping Pharmacists (OPHP) gives Annual report:**

Kevin Rich, Director of Oklahoma Pharmacists Helping Pharmacist presented the Board with an annual report from OPHP. He spoke on the leadership of the organization, and some of the issues and solutions that the organization has experienced. Mr. Rich also spoke on the support, involvement, and outreach opportunities that individuals have available to them.

The Board thanked Dr. Rich for his presentation, and commended him for his excellent work with the organization and the help OPHP provides to the profession.

**Bled Tanoë, DPh request to appear before the Board:**

The Board was called to order by President Willeford to hear the presentation of Bled Tanoë. Ms. Tanoë presented the Board with an update on some of the previous research she had completed regarding staffing shortages. During the discussion, Dr. Hendrick stated that later in the day the Board would be hearing possible rule changes that he felt would help some of the problems that pharmacists are facing in pharmacies.

The Board members agreed with Ms. Tanoë and thanked her for her endeavors in trying to find a solution to the problem.

**Tina Dyer of SSM Health request to appear before the Board:**

The Board was called to order by President Willeford to hear the presentation of Tina Dyer. Ms. Dyer presented the Board with a proposal for possible rule changes for RMOP's in a hospital setting. Ms. Dyer stated that she would propose that a hospital pharmacy allow RMOP to another hospital pharmacy providing that the pharmacies have the same owner or have entered into a contractual arrangement fulfilling the responsibilities outlined and share a common electronic system or have appropriate technology to allow access to sufficient information necessary and the pharmacy is located in Oklahoma.

After a brief discussion, it was recommended that since Dr. Mark St. Cyr has experience in a hospital setting, that he might head a committee for possible rule changes. President Willeford stated that since Dr. St. Cyr was not present, they would talk to him about chairing a future committee.

**OSBP vs Jessica Collins, Technician #23360, Case No. 1654:**

The Board was called to order by President Willeford to hear the case of Jessica Collins. Ms. Collins was not present. Registration Secretary, Rhonda Jenkins and Compliance Officer (CO) Marjan Fardadard were sworn in by President Willeford. Ms. Jenkins testified that Ms. Collins had been properly notified of the time and date of the hearing. CO Marjan Fardadard testified for the Board. Assistant Attorney General, John Settle prosecuted for the Board.

Mr. Settle presented the Board with the Complaint for review. The Board of Pharmacy received a written notice from Walgreens Pharmacy Pharmacist in Charge (PIC) of the termination of Ms. Collins due to employee pilferage. Asset Protection Management (APM) received a company system alert on Hydrocodone losses at the

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pharmacy where Ms. Collins was employed. APM discussed these losses with the District Manager (DM) and the pharmacy store manager who stated that they were aware of the losses however after further investigation, it was determined that drug counts were not being routinely conducted and that the store's video surveillance system was experiencing outages. APM discussed with the DM and the store manager the need to conduct daily counts due to the negative adjustment patterns. Once routine counts were made, negative adjustments continued with Hydrocodone-Acetaminophen 10-325mg, 7.5-325mg and 5-325mg tablets. After a review of surveillance footage, it revealed that there were drug losses and that "suspicious activity" occurred during the time Ms. Collins filled prescriptions. Ms. Collins was observed making "suspicious hand movements" when filling these particular drugs. Surveillance also showed Ms. Collins placing her hand in her scrub pocket after these movements with the same movements observed on other days of drug loss. APM interviewed Ms. Collins. In a written statement, Ms. Collins admitted to theft of Hydrocodone-Acetaminophen 10-325mg tablets.

A motion was made by Dr. Kyle Whitehead and seconded by Dr. Justin Wilson that based on the clear and convincing evidence presented, Ms. Collins be found guilty as charged. Motion passed on roll call vote.

A motion was made by Dr. Kyle Whitehead and seconded by Dr. Justin Wilson that the technician permit of Jessica Collins be revoked. Motion passed on roll call vote.

**OSBP vs. George Antwi Ampofo, DPh #12865, Case No. 1651:**

The Board was called to order by President Willeford to hear the case of George Antwi Ampofo. Mr. Ampofo was present with Counsel Emily Wilson. Director Marty Hendrick was sworn in by President Willeford. CO Marjan Fardadfar and Executive Director Marty Hendrick were present to provide testimony and respond to questions of the Board. John Settle, Chief Assistant Attorney General prosecuted the case for the Board.

Mr. Settle presented the Board with the Complaint for review. Mr. Ampofo was charged with multiple violations of state and federal regulations and rules including: the pharmacy, pharmacist and PIC are responsible for supervision of all employees as they relate to the practice of pharmacy and Shared Services being performed by an out of state entity that is not authorized to perform this duty.

Mr. Settle then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Mr. Ampofo would agree to the following: Mr. Ampofo's license is suspended for 10-years and is immediately stayed. Mr. Ampofo may not act as PIC for any Oklahoma pharmacy during the 10-years. All required CE in 2023 and 2024 shall be live. Mr. Ampofo agrees to pay a fine of \$2500.00 on 12 Counts for a total of \$30,000.00 of which \$3,000.00 is due on November 16, 2022. The remaining balance must be paid before November 15, 2024. Mr. Ampofo may appear before the Board to request all sanctions of this Agreed Order regarding his license be released after the fine has been paid in full.

A motion was made by Dr. Justin Wilson and seconded by Dr. Shonda Lassiter to amend the Agreed Order by removing the probation period after "suspension has been stayed". Motion passed on roll call vote with Dr. Kyle Whitehead voting "No".

**OSBP vs. Trioiva Pharmaceuticals, LLC, #2-P-4954, Case No. 1648:**

The Board was called to order by President Willeford to hear the case of Trioiva Pharmaceuticals, LLC (Packager). Dr. Ravi Kode, Owner of Trioiva Pharmaceuticals was present along with Counsel, Curtis Thomas. CO Kim Hibbard was present for any questions of the Board. Dr. Hibbard and Dr. Kode were sworn in by President Willeford.

Mr. Settle presented the Board with the Complaint for review. Trioiva Pharmaceuticals (Packager) was charged with multiple violations of state and federal regulations and rules including: failure to establish and maintain effective controls against the diversion of prescription drugs and/or controlled dangerous drugs (CDS).

Mr. Settle then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Trioiva Pharmaceuticals (Packager) would agree to the following: Respondent admits to guilt on four (4) Counts. Respondent agrees to pay a fine of \$2,000.00 per count for a total of \$8,000.00 which is due November 16, 2022.

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A motion was made by Dr. Justin Wilson and seconded by Dr. Randy Curry to accept the Agreed Order. Motion passed on roll call vote.

**OSBP vs. Trioiva Pharmaceuticals, LLC, #2-W-4955, Case No. 1647:**

The Board was called to order by President Willeford to hear the case of Trioiva Pharmaceuticals, LLC (Wholesaler). Dr. Ravi Kode, Owner of Trioiva Pharmaceuticals was present along with Counsel, Curtis Thomas. CO Kim Hibbard was present for any questions of the Board. CO Hibbard and Dr. Kode were sworn in by President Willeford.

Mr. Settle presented the Board with the Complaint for review. Trioiva Pharmaceuticals (Wholesaler) was charged with multiple violations of state and federal regulations and rules including: failure to establish and maintain effective controls against the diversion of prescription drugs and/or controlled dangerous drugs (CDS).

Mr. Settle then presented the Board with an Agreed Order. If the Board accepts the Agreed Order, Trioiva Pharmaceuticals (Wholesaler) would agree to the following: Respondent admits to guilt on two (2) Counts. Respondent agrees to pay a fine of \$1,000.00 per count for a total of \$2,000.00 which is due November 16, 2022.

A motion was made by Dr. Justin Wilson and seconded by Dr. Kyle Whitehead to accept the Agreed Order. Motion passed on roll call vote.

**Board reviews and approves 2023 Draft Rule Revisions: Title 535, Chapters 1, 10, 15 and 20:**

President Willeford called the Board to order to review the 2023 Draft Rule Revisions. Business Manager MaryAnn Terral presented the Board with the rule revisions in Title 535, Chapters 1, 10, 15 and 20 to review. Ms. Terral went through each revision and/or addition with the Board with an explanation of each change or addition.

After a discussion, a motion was made by Dr. Justin Wilson and seconded by Dr. Kyle Whitehead to approve Title 535, Chapters 1, 10, 15 and 20 as presented with changes and to move forward with rules. Motion passed on roll call vote.

**President Willeford adjourned the Board meeting:**

A motion was made by Dr. Justin Wilson and seconded by Dr. Kyle Whitehead to adjourn the Board meeting. Motion passed on roll call vote. President Willeford adjourned the Board meeting at 12:52 p.m.

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